

IRAN-CONTRA: THE PRESS INDICTS THE PROSECUTOR

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AND PETER KORNBLOH

On January 19, the day after independent counsel Lawrence Walsh released his final report on the Iran-contra scandal, *The New York Times* ran a front-page news analysis headed THE SCANDAL THAT FELL FLAT. Written by David E. Rosenbaum, the article dismissed Walsh's final report as adding "nothing but small details to what was already known." The issues, he wrote, were "basically lost on the American public," and key culprits emerged from the hearings "as patriots.

"As for Mr. Walsh," Rosenbaum continued, "he himself may turn out to be the most widely scorned figure in the whole affair."

One reason Iran-contra's "miscreants were turned into martyrs," Rosenbaum asserted, was that Walsh mismanaged the investigation. A case can be made, however, that by failing to adequately investigate Iran-contra in the first place, and by providing an uncritical and even deferential vehicle for former Reagan administration officials to attack Walsh, the press aided a protracted effort to blur the distinction between villain and victim, lies and honesty, criminality and the rule of law.

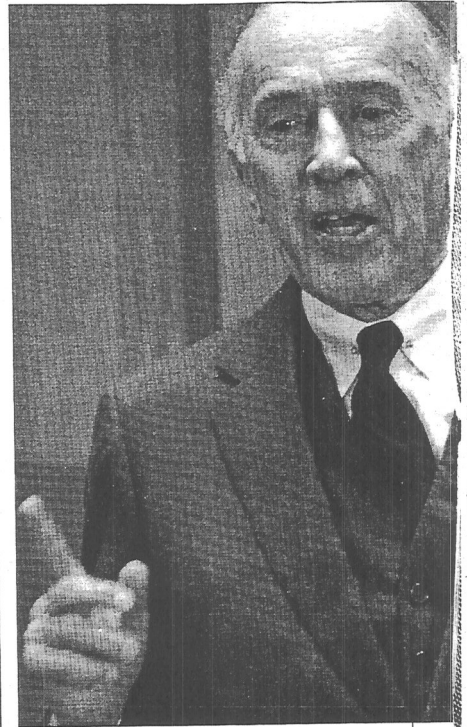
Malcolm Byrne and Peter Kornbluh are co-editors of the National Security Archive's recently published The Iran-Contra Scandal: The Declassified History. Jon Elliston provided research assistance for this article.

To be sure, some of the coverage of the Walsh report (and of Iran-contra itself) was outstanding. When the report was released, National Public Radio ran substantive historical tape of the events surrounding the scandal on both *Morning Edition* and *All Things Considered*; the *Los Angeles Times*, despite the earthquake follow-up, presented a solid spread covering all the major aspects of the story. And The Associated Press, led by veteran reporter Pete Yost, played a vanguard media role, mining the report for story after story.

By and large, however, the press seemed predisposed to focus on the shortcomings of Walsh's investigation rather than the contents of the report and its significance. "The drift in this town now," notes former Watergate investigator and *Washington Post* reporter Scott Armstrong, "is that Walsh took too long, spent too much money, and that it wasn't worth it." Indeed, television reports and a number of leading newspapers, as did *The New York Times*, declared that there was little new in the report. Actually it drew on a significant body of new documentation, including George Bush's personal diaries; Caspar Weinberger's 1,700 pages of handwritten notes; extensive notes taken by George Shultz's aide Charles Hill of debriefings of high-level meetings by Shultz; top-secret CIA documents on the contra resupply operations; FBI reports of interviews with key players; and previously secret grand jury testimony.

Many articles also overstated Walsh's verdict on President Reagan's legal innocence. The *Times's* lead story, for example, incorrectly asserted in the subhead that he did not break the law. In fact, the report makes it clear that Reagan displayed a "disregard for civil laws." When told by Weinberger that the sales were illegal, Reagan is quoted in an FBI summary of Hill's notes as saying: "[T]hey can impeach me if they want; visiting days are Wednesday." Weinberger responded, "You will not be alone."

Meanwhile, most reporters could not write about the Office of Independent Counsel's work without characterizing it as the "seven-year, \$37 million investigation," while failing to explain the



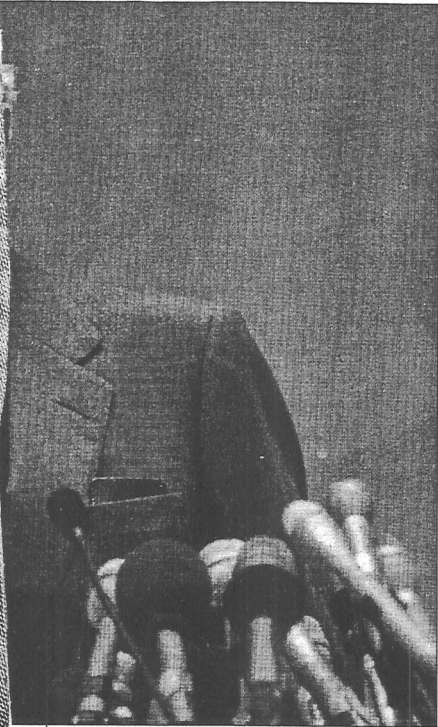
Lawrence Walsh at his final press conference as independent counsel

reasons for the time and expense, including the unprecedented legal and political obstacles Walsh faced.

Particularly in the realm of television coverage, Walsh's investigation fell victim to what his press secretary, Mary J. Belcher, calls "drive-by journalism" — superficial coverage reflecting a lack of institutional memory.

To understand how individuals who perpetrated the scandal are still able to warp the facts, consider how former Attorney General Edwin Meese, who emerged as the point man for rebutting the report, handled the press — and how the press failed to handle him. He appeared on the *Today* show and *Good Morning America*, for example, without any counterpoint, after Walsh, citing the short format, declined to appear. Recall that Meese is named in the Walsh report as having "spearheaded" a coverup of the November 1985 arms shipments to Iran, which he "believed were illegal, in order to protect the president." Recall also that he is the man who introduced the Iran-contra scandal to the nation on November 25, 1986.

At that time, Meese told the nation



that the president did not know in advance of the November 1985 missile shipment to Iran. Reagan, he said, only "later learned in February 1986 details about [the] shipment."

That was then. Now, speaking on *The MacNeil/Lehrer NewsHour*, Meese claims that the president *did* know about these arms shipments, which Meese now says were legal, and therefore did not necessitate a coverup plan. "The more the president knew, the more he was able to authorize this and . . . give it the sanctions it needed to go ahead," Meese told Robert MacNeil. In a mirror image of what he himself was doing, Meese stated that Walsh had "distorted the facts, he has misled the American people, and he has arrived at a fraudulent claim."

Neither MacNeil nor Charles Gibson nor Bryant Gumbel pushed Meese to explain the discrepancy in his accounts. Instead, he was allowed to attack Walsh's integrity, as well as his report.

A Times Mirror survey of journalists taken in December 1992 found that only 24 percent felt coverage on Iran-contra was good; 70 percent called it fair to poor.

Without a doubt, Iran-contra was a

tough beat. Joanne Omang, who covered U.S. policy and the contra war for *The Washington Post*, remembers how difficult it became to report on the reality of U.S. policy toward Nicaragua when confronted with what she describes as "bald-faced lies" from officials such as Elliott Abrams and Robert McFarlane. "They said that black was white. I wasn't able to get anywhere," she says.

The disclosure in the fall of 1986 of the extensive contra resupply operations being run out of the White House, Omang adds, opened her eyes to the inaccuracies of her reporting: "I realized how wrong the story had been over those last couple of years. Although I had used all my professional resources, I had misled my readers." Omang says this was a "profoundly disillusioning" experience, one that prompted her to leave journalism for a career as a novelist. "There is more truth," she concludes, "in fiction."

Robert Parry, also disillusioned, also turned to writing books, the first being *Fooling America: How Washington Insiders Twist the Truth and Manufacture the Conventional Wisdom*. The first reporter to name Oliver North in a news article, Parry succeeded in breaking through the efforts of McFarlane and other National Security Council officials to deceive him. But after mid-1987, when John Poindexter testified before Congress that Reagan did not know of the diversion, the conventional wisdom became that Iran-contra was "a has-been story." His editors at *Newsweek* and elsewhere, Parry maintains, refused to put the journalistic resources into reporting the continuing White House coverup that he and other reporters believed had taken place.

Walsh's investigation also came to be seen as old news. This led to media neglect of the unprecedented perjury trial of former CIA deputy director Clair George in July 1992. Meanwhile, the old-news label made it easier for Walsh's enemies to use the press to mount political attacks against him and his lengthy investigation.

Early on in his investigation, Walsh enjoyed favorable coverage — notable exceptions being *The Washington Times* and editorials in *The Wall Street*

Journal. By the end of his tenure, however, both editorially and in news coverage, the press tended to bolster his enemies' portrayal of him as vindictive and partisan. In the interim years, Walsh experienced a series of successes and setbacks, both of which fueled political attacks.

These attacks on the Office of Independent Counsel increased dramatically following Walsh's indictment of Caspar Weinberger on perjury and obstruction charges in June 1992. In addition to the predictable rhetoric from Evans and Novak, *The Washington Times*, and *The Wall Street Journal*, Jack Anderson wrote of "how aggressively Iran-contra prosecutors were looking for a scalp" as they "frantically" sought to "redeem the highly controversial probe." And the usually bland David Brinkley declared with disgust on his Sunday show: "I have thought for some time he [Walsh] should pack his bags and leave town." Even Walsh's hometown newspaper, *The Daily Oklahoman*, got into the act after Walsh criticized President Bush for his Christmas Eve pardon of Weinberger and five others. "Walsh has behaved outrageously for six years. He has sought to destroy the reputations of patriots," the paper said in a December 29, 1992 lead editorial titled "Fire Walsh."

The conventional wisdom on Walsh is that he was responsible for his own bad press because he did not respond aggressively to the attacks on his investigation or his character. "He shot himself in the foot," a *CJR* editor said in a story conference about this article. Walsh responds that, in dealing with the press, the independent counsel is constrained by rules and regulations governing prosecutions: "My strategy was to not discuss our cases until after the trial." Walsh's press secretary, Mary Belcher, points out that this caused problems for the OIC's image. "Because you can't tell people what you're doing, it presents a very lopsided picture" if the other side is talking.

And the other side was indeed talking. Throughout the fall of 1993, for example, lawyers for those named in the report leaked passages that they had been allowed to read in an effort to cast

the report as unfair and to deflate its newsworthiness before it was publicly released. "Their idea was to dribble the information out to offset the impact of the document," Walsh says. At least one reporter who covered the release of the report — and used these lawyers as sources — acknowledges that the Iran-contra figures were able to manipulate his story through such leaks.

The spin on Walsh put out by his detractors clearly influenced journalistic opinion. A July 4, 1993, *New York Times Magazine* profile titled "Lawrence Walsh's Last Battle" offered an in-depth view of Walsh's personal-history, professional philosophy, his mandate as independent counsel, and the extraordinary obstacles the Reagan and Bush administrations had put in his path. But the *Times* editors decided to balance that article, as it were, with a companion piece on Oliver North's Senate bid, and to run a magazine cover with a photo of Walsh on top and North on the bottom with the words "PATRIOT or ZEALOT?" in between — leaving the reader to decide which was which.

An April 11, 1993, *Washington Post Magazine* profile of Walsh by Marjorie Williams dismissed Walsh's "sense of duty" as "anachronistic," and cited as an example his insistence "that it was a serious matter — a serious *crime* — for members of the executive branch to lie to Congress." In a prophecy that her article could only hope to fulfill — her editors isolated it as a drop quote — Williams wrote, "The truth is that when Walsh finally goes home, he will leave a perceived loser."

For his part, Walsh believes the coverage, while not perfect, was "excellent [and] essentially accurate." He seems impervious to attack. "When you're a prosecutor you quickly learn the defense lawyer's credo," he explains. "If the facts are not on your side, try the case on the law. If the law is not on your side, try the case on the facts. If neither the facts nor the law are on your side, attack the prosecutor." Walsh says that none of the press coverage influenced his actions as independent counsel — not even the decision last spring to forgo subpoenaing George

Bush, in order to force him to explain why, for six years, he had concealed his diaries from federal investigators.

But the coverage, arguably, has had an impact on a number of other critical political issues. One is the renewal of the independent counsel statute that will govern the work of Walsh's successors and the future system of checks and balances on executive-branch wrongdoing. Walsh observes that the attacks on him "supplied material for the opponents of the act to use." Emboldened by negative media images of Walsh, Senate Republicans drafted a new bill that sought to curtail the ability of future special prosecutors to conduct lengthy investigations and produce substantive final reports. Nobody on Capitol Hill addressed the need to strengthen the act as it relates to prosecuting crimes committed under the guise of national security, in order to avoid the executive branch delay and obstruction that Walsh faced.

Similarly, Walsh's negative press can only help the candidacy of Oliver North, who formally announced his bid to be senator from Virginia on January 28. Although North declared himself "exonerated" after his convictions on three felony charges were overturned on appeal, the final report makes clear that "the factual basis of his guilt is not in doubt." (In early February, it is interesting to note, the AP's Pete Yost reported that North had arranged to expunge his name from court papers showing that he, along with Reagan and Meese, had attempted to keep Walsh's report from the public.) Still, North has been able to present himself as the patriot — and Walsh as the zealot — trading his role in Iran-contra for personal fortune and political fame. During a lead-in to Ted Koppel's interview with him, ABC's *Nightline* even floated the notion of North as a candidate for president of the United States.

George Orwell would surely note that the Iran-contra operations began in 1984. The degree to which the perpetrators of the scandal were able to transform themselves into the persecuted, to distort the history — and thereby the meaning — of this scandal is one of the most troubling aspects of Iran-contra. This was done with the help of the press. ♦

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